

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/721,743 Confirmation No. 3948
Applicants : Mark Cooke et al.
Filing Date : November 26, 2003
C./Art Uni : To Be Assigned
Examiner : To Be Assigned
For : CONFIGURABLE PRICING OPTIMIZATION SYSTEM
Attorney Docket No. : 82001-0397
Customer Number : 24633

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 20313-1450

PETITION UNDER 37 C.F.R. §1.47(a)

Dear Sir:

Applicants hereby petition under 37 C.F.R. §1.47(a) to file the present application without the signatures of three of the eight inventors on a Declaration. Submitted herewith is a Declaration identifying the present application by title, application number, and filing date. The Declaration is signed by five of the inventors (Henry F. Schwarz, Philip David R. Apps, Ravishankar V. Nandiwada, Brian L. Monteiro, and Mark Cooke) and has blank signature blocks for the remaining three non-signing inventors (Dean Boyd, Thomas E. Guardino, and Prashandt N. Balepur). In accordance with MPEP §409.03(a)(A), this Declaration may be treated as having been signed by all the available inventors on behalf of the nonsigning inventors.

Further attached herewith is a Declaration in Support of the Petition under 37 C.F.R. §1.47(a) [hereafter the "Declaration"] describing the diligent efforts made to contact the non-signing inventors, Messrs. Boyd, Guardino, and Balepur, who either refuse to sign the Declaration or cannot be located. As further described in the Declaration, Messrs. Boyd, Guardino, and Balepur are current or formal employees of the assignee of the present application during the time of invention and are under a legal obligation to sign an Oath or Declaration.

Application No. 10/721,743
Petition Under 37. C.F.R. §1.47(a)
In reply to Notice of Missing Parts mailed February 26, 2004

The last known correspondence address for Mr. Boyd is:

36245 Wagner Lane
Cottage Grove, Oregon 97424.

The last known correspondence address for Mr. Guardino is:

1033 Forrester Way
Eugene, Oregon 97401

The current correspondence address for Mr. Balepur is:

1606 Paloa Ranch Circle
San Jose, California 95133

Also submitted herewith is a check for the Petition fee of \$130 as specified in 37 CFR §1.17(h). Please charge any deficiencies and credit any overpayment to the Deposit Account No. 50-1359 of the undersigned.

Respectfully submitted,

Dated: September 27, 2004

By:



Celine Jimenez Crowson
Registration No. 40,357

Hogan & Hartson, L.L.P.
555 Thirteenth St., N.W.
Washington, DC 20004
Telephone: 202-637-5703
Facsimile: 202-637-5910
Customer No. 24633

David D. Nelson
Registration No. 47,818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No. : 10/721,743 Confirmation No. 3948
Applicants : Mark Cooke et al.
Filing Date : November 26, 2003
T.C./Art Uni : To Be Assigned
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For : CONFIGURABLE PRICING OPTIMIZATION SYSTEM

Attorney Docket No. : 82001-0397
Customer Number : 24633

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 20313-1450

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47(a)

Sir:

In support of a Petition Under 37 C.F.R. 1.47(a) for the above-referenced patent application, I, David D. Nelson, declare that I am a registered Patent Attorney, Registration No. 47,818, that I represent Manugistics, Inc. [the "Applicant"] in connection with the preparation and prosecution of the present patent application, and that I am authorized to make the following statements:

(1) The Applicant is a corporation of the state of Delaware and principally located at 9715 Key West Avenue, Rockville, MD 20850.

(2) Mr. Dean Weldon Boyd and Mr. Thomas Edward Guardino were employees of Talus, Inc., which was whole acquired by Applicant in 2000. During their employment period, Mr. Boyd and Mr. Guardino, as part of their employment duties, participated in the development of the invention disclosed of the present patent application. Under the terms of their employment, Mr. Boyd and Mr. Guardino were required to assign the invention to the Applicant and to cooperate in any efforts related to patenting the invention.

(3) Mr. Prashandt Narayan Balepur was an employees of Talus, Inc and is a current employee of Applicant. Mr. Balepur, as part of his employment duties, participated in the

development of the invention disclosed of the present patent application. Under the terms of his employment, Mr. Balepur is required to assign the invention to the Applicant and to cooperate in any efforts related to patenting the invention.

(4) According to Applicant's personnel records, the last known correspondence address for Mr. Boyd is:

36245 Wagner Lane
Cottage Grove, Oregon 97424.

(5) According to Applicant's personnel records, the last known correspondence address for Mr. Guardino is:

1033 Forrester Way
Eugene, Oregon 97401

(6) According to the Applicant's personnel records, the current correspondence address for Mr. Balepur is:

1606 Paloa Ranch Circle
San Jose, California 95133

(7) On July 29, 2004, I sent to Mr. Boyd at his last known address a copy of the present application as filed, a declaration in accordance with 37 CFR §1.63, and instructions for Mr. Boyd to review the application and execute the declaration. A copy of this letter is appended in Attachment 1. On or about August 3, 2004, I received notice from FedEx Delivery Services that this letter had been delivered.

(8) On July 29, 2004, I sent to Mr. Guardino at his last known address a copy of the present application as filed, a declaration in accordance with 37 CFR §1.63, and instructions for Mr. Guardino to review the application and execute the declaration. A copy of this letter is

Application No. 10/721,743

Declaration In Support Of Petition Under 37 C.F.R. §1.47(A) dated September 27, 2004

In reply to Notice of Missing Parts mailed February 26, 2004

appended in Attachment 1. On or about August 3, 2004, I received notice from FedEx Delivery Services that this letter had been delivered.

(9) On August 25, 2004, I sent to Mr. Balepur at his last known address a copy of the present application as filed, a declaration in accordance with 37 CFR §1.63, and instructions for Mr. Balepur to review the application and execute the declaration. A copy of this letter is appended in Attachment 1. On or about August 30, 2004, I received notice from FedEx Delivery Services that this letter had been delivered

(10) I have attempted to contact Mr.. Boyd, Mr. Guardino, and Mr. Balepur by telephone and e-mail on several occasions in the last four months. Mr.. Boyd orally indicated that he is unwilling to execute the declaration. I have been unable to reach Mr. Guardino. And, Mr. Balepur, despite numerous promises to execute declaration, has not done so.

(11) I have received no other response or correspondence from Mr.. Boyd, Mr. Guardino, or Mr. Balepur. I make this Declaration to prevent abandonment of the subject patent application as Mr.. Boyd, Mr. Guardino, and Mr. Balepur are required to execute the Declaration but has not yet done so.

Application No. 10/721,743

Declaration In Support Of Petition Under 37 C.F.R. §1.47(A) dated September 27, 2004

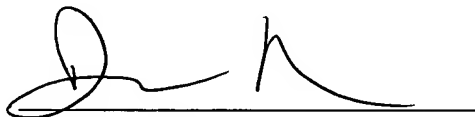
In reply to Notice of Missing Parts mailed February 26, 2004

I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001; and that such willful false statements may jeopardize the validity of the application or document or any resulting registration resulting therefrom.

Respectfully submitted,

Dated: September 27, 2004

Hogan & Hartson, L.L.P.
555 Thirteenth St., N.W.
Washington, DC 20004
Telephone: 202-637-6807
Facsimile: 202-637-5910
Customer No. 24633

By: 
David D. Nelson
Registration No. 47,818

HOGAN & HARTSON
L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJCROWSON@HHLAW.COM

August 25, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

VIA FEDERAL EXPRESS

Prashandt N. Balepur
1606 Pala Ranch Circle
San Jose, California 95133

Re: U.S. Patent Application No. 10/721,743
Title: CONFIGURABLE PRICING OPTIMIZATION
SYSTEM
Inventors: BOYD, Dean W. et al.
Applicant: Manugistics, Inc.
Our Ref.: 82001-0397

Dear Mr. Balepur:

Further to previous correspondences from Manugistics, enclosed please find another copy of the application as filed, along with a Declaration and an Assignment for your execution. Upon execution, please return the Declaration and Assignment to us for filing in the U.S. Patent and Trademark Office as soon as possible.

If you have any questions, please do not hesitate to contact us.

Sincerely,


Celine Jimenez Crowson

CJC/DDN/ksh
Enclosures

cc: Mark Goldstone (w/o enclosures)

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Celine J. Crowson

Phone (202) 637-5826

Company HOGAN & HARTSON LLP

Address 555 13TH ST NW STE 800W

Dept./Floor/Suite/Room

City WASHINGTON

State DC

ZIP 20004-1109

Your Internal Billing Reference

OPTIONAL

To

Recipient's Name Prashant N. Balepur

Phone ()

Company

Recipient's
Address

1606 Pala Ranch Circle

Dept./Floor/Suite/Room

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☐ FedEx Express Saver
Third business day*

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☐ FedEx 1Day Freight*
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☐ FedEx 2Day Freight
Second business day**

☐ FedEx 3Day Freight
Third business day**

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☐ FedEx Envelope*

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Freight to select ZIP codes

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at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations

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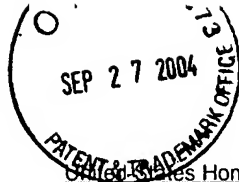
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Raym S. Hines

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

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Delivery date	Aug 26, 2004 10:56 AM	Weight	1.0 lbs.
Status	Delivered		

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8:19 AM	At local FedEx facility	SAN JOSE, CA	
5:05 AM	In transit	MEMPHIS, TN	Departed location
1:01 AM	In transit	MEMPHIS, TN	Departed location
12:05 AM	In transit	MEMPHIS, TN	
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HOGAN & HARTSON
L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJCROWSON@HHLAW.COM

July 29, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

VIA FEDERAL EXPRESS

Mr. Thomas Guardino
1033 Forrester Way
Eugene, OR 97401

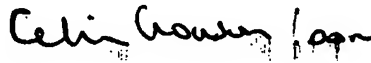
Re: U.S. Patent Application No. 10/721,743
Title: CONFIGURABLE PRICING OPTIMIZATION
SYSTEM
Inventors: BOYD, Dean W. et al.
Applicant: Manugistics, Inc.
Our Ref.: 82001-0397

Dear Mr. Guardino:

Further to the letter from Manugistics dated April 8, 2004, enclosed please find another copy of the application as filed, along with a Declaration and an Assignment for your execution. Upon execution, please return the Declaration and Assignment to us as soon as possible for filing in the U.S. Patent and Trademark Office.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Celine Jimenez Crowson

CJC/DDN/ksh
Enclosures

cc: Cathy Walls, (w/o enclosures)

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To Recipient's Name **Mr. Thomas Guardino** Phone ()

Company

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City **Eugene** State **OR** ZIP **97401**

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Delivery date/time Jul 30, 2004 2:14 pm

Reference number 82001-0397
Delivery location EUGENE OR
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Company HOGAN & HARTSON LLP

Address 555 13TH ST NW STE 800E

City WASHINGTON State DC ZIP 20004

Our Internal Billing Reference 82001-0397 OPTIONAL

Recipient's Name Mr. Dean W. Boyd Phone ()

Company

Address 36245 Wagner Lane We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address

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5 Packaging Declared value limit \$500

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☐ No ☐ Yes As per attached Shipper's Declaration ☐ Yes Shipper's Declaration not required
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.
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Raym J. Niles

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

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L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJCROWSON@HHLAW.COM

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

July 29, 2004

VIA FEDERAL EXPRESS

Mr. Dean W. Boyd
36245 Wagner Lane
Cottage Grove, Oregon 97424

Re: U.S. Patent Application No. 10/721,743
Title: CONFIGURABLE PRICING OPTIMIZATION
SYSTEM
Inventors: BOYD, Dean W. et al.
Applicant: Manugistics, Inc.
Our Ref.: 82001-0397

Dear Mr. Boyd:

Further to previous correspondences from Manugistics, enclosed please find another copy of the application as filed, along with a Declaration and an Assignment for your execution. Upon execution, please return the Declaration and Assignment to us for filing in the U.S. Patent and Trademark Office as soon as possible. If you prefer that we direct all future correspondence to your attorney, please forward to us his/her contact information.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Celine Jimenez Crowson

CJC/DDN/ksh
Enclosures

cc: Cathy Walls, (w/o enclosures)

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Signed for by	Signature release on file	Delivery location	COTTAGE GROVE, OR
Ship date	Jul 29, 2004	Delivered to	Residence
Delivery date	Jul 30, 2004 2:56 PM	Service type	Standard Pak
		Weight	1.0 lbs.

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Date/Time	Activity	Location	Details
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	6:50 AM At dest sort facility	PORTLAND, OR	
	12:37 AM In transit	MEMPHIS, TN	Departed location
Jul 29, 2004	11:30 PM In transit	MEMPHIS, TN	
	11:06 PM Package data transmitted to FedEx		
	9:02 PM Left origin	WASHINGTON, DC	
	5:52 PM Picked up	WASHINGTON, DC	

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